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Contact: Edren Ravino

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Chief Executive Officer  
Parramatta City Council  
PO Box 32  
PARRAMATTA NSW 2124

E-mail: [council@cityofparramatta.nsw.gov.au](mailto:council@cityofparramatta.nsw.gov.au)

Attention: Manager Compliance/Fire Safety

Dear Chief Executive Officer

**Re: INSPECTION REPORT  
'COMMERCIAL HOTEL'  
2 HASSALL STREET PARRAMATTA ("the premises")**

Pursuant to the provisions of Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 4 February 2022 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW). The inspection was also conducted in the company of Officers from the NSW Police Force.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

## COMMENTS

Please be advised that this report is not an exhaustive list of non-compliances however, the proceeding concerns also identifies deviations from the National Construction Code 2019, Volume 1 Building Code of Australia (NCC). Given the concerns are based on observations available at the time FRNSW acknowledges that the deviations may contradict development consent approval. In this regard, it would be at council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate action.

The following items were identified as concerns during the inspection:

### 1. Essential Fire Safety Measures

- 1A. Heat Detectors – Clause C3.27.1 of AS1670.1:2015 – 'Fire detection, warning, control and intercom systems—System design, installation and commissioning' outline circumstances where smoke detectors can be replaced with heat detectors. Council may need to review its records to confirm whether the circumstances surrounding the installation of heat detectors has been approved around the premises.
- 1B. Hydrant System – Clause E1.3 of the NCC requires a fire hydrant system to be installed in accordance with Australian Standard AS2419.1 where buildings consist of a total floor area greater than 500m<sup>2</sup>. The total floor area of the building appears to be greater than 500m<sup>2</sup>.
- 1C. Portable Fire Extinguishers (PFE) – Table 10.4.1 requires PFE to remain conspicuous, readily accessible and in its assigned location. At the time of the inspection there were items restricting access to the PFE.
- 1D. Storage in Fire Hose Reel Cabinets – Clause 10.4.4 of AS 2441-2005 states that non-firefighting equipment are not permitted within the cabinet or enclosure e.g. brooms and cleaning aids. Observations at the time revealed non-firefighting items within the enclosure.

### 2. Access and Egress

- 2A. Fire Exits and Fire Exit Doors – Clause 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021), requires that items must not be placed in a fire exit area for a building that may obstruct the free passage of persons. Or interfere with or obstruct without lawful excuse a fire exit door or the operation of a fire exit door for a building. Which includes the operation of a fire door providing access to a building's fire exit. At the time of the inspection the following was observed:
  - A. A number of signposted exit doors included plunger locks.

- B. The signposted exit door leading from the garage / store room on the northern side of the building into the main building, was obstructed:
    - i. Partially by a fridge in the private garage area.
    - ii. By a brass container labelled “Carlton Draft – Tank Beer” on the other side of the door.
  - C. Council may need to review its records to confirm whether the above items were approved.
- 2B. Swinging Doors – Clause D2.20 of the NCC requires swinging doors in a required exit, or forms part of a required exit to swing in a direction that does not impede the path or direction of egress. At the time of the inspection the exit doors from the VIP lounge and bar area opens inward against the path of travel.
3. Compartmentation
- 3A. Private Garage – The NCC defines a private garage as any separate single storey garage associated with another building where such garage contains not more than 3 vehicle spaces. At the time of the inspection:
    - A. The garage / storeroom on the northern side of the building appears to be capable of containing more than 3 vehicles.
    - B. The exit door from the garage / storeroom could not be inspected due to the fridge and brass beer container, as such it is unclear whether this area was approved or required compartmentation.
    - C. A review of council’s records may be required.
4. Generally
- 4A. Annual Fire Safety Statements (AFSS) – Clause 89(4)(b) of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021), requires the owner of the building to ensure a copy of the AFSS and a copy of the current fire safety schedule be prominently displayed in the building. At the time of the inspection:
    - A. A fire safety schedule could not be located.
    - B. The displayed AFSS did not display all essential fire safety measures contained within the building as there were pages missing from the displayed statement.
    - C. As the fire safety schedule could not be located and the displayed AFSS lacked all the relevant pages, it was difficult to establish:

- i. that each essential fire safety measure specified in the statement has been assessed by an accredited practitioner (fire safety) as capable of performing to a standard no less than that specified in the schedule, OR
  - ii. that an original measure within the meaning of Clause 81 of the EPAR 2021 — is maintained to a standard no less than that to which the measure was originally designed and implemented, AND
  - iii. the building had been inspected by an accredited practitioner (fire safety) and was found, when it was inspected, to be in a condition that did not disclose grounds for a prosecution.
- 4B. Maximum Capacity Signage – Clause 73 of the Environmental Planning and Assessment Regulation 2021 (EP&A Reg 2021) requires a sign be displayed in a prominent position in the building stating the maximum number of persons. Provided a maximum number is specified in the development consent (which includes an existing development consent) for the following uses of a building:
- A. an entertainment venue,
  - B. a function centre,
  - C. a pub,
  - D. a registered club,
  - E. a restaurant or cafe.

At the time of the inspection, a sign stating the maximum number of persons could not be located. A review may be required by council to confirm whether a maximum number is specified in the development consent.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

## RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on ‘the premises’, and require item no. 1 through to item no. 4 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council’s advice regarding its determination in accordance with Schedule 5, Part 8, Section 17(4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Edren Ravino of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS22/457 (SRID 800001954) for any future correspondence in relation to this matter.

Yours faithfully



Edren Ravino  
Senior Building Surveyor  
Fire Safety Compliance Unit